

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, August 4, 2014

The Common Council was convened at 7:00 p.m. and was called to order by Council President McLaughlin.

The roll being called, the following answered to their names: Council Members Applys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Also present was the following staff: Nala Woodard, Patrick Jordan, Barbara Samel, Jake Mazzullo and Cashawna Parker.

Council Member Commisso led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, albany, NY (Local Law F-2014 establishing a residency requirement for all City of Albany Employees);
2. Tammie Kheocha-on, 1 University Place, Rensselaer, NY (Support Ordinance 38.52.14 in relation to Tobacco Free Parks);
3. Christine Bozlak, 84 Fox Hollow, Rensselaer, NY (Support Ordinance 38.52.14 in relation to Tobacco Free Parks).

There being no further speakers the President declared public comment closed.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

President Pro Tempore Conti made a motion to approve the minutes of the June 2, 2014 and June 16, 2014 meetings, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

Council Member Bailey introduced LOCAL LAW F-2014, which was referred to the Human Resources and Human Rights Committee:

A LOCAL LAW ESTABLISHING A RESIDENCY REQUIREMENT FOR ALL CITY EMPLOYEES

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Chapter 62 of the Code of the City of Albany shall be amended by adding a new Section 62-1-a to read as follows:

§ 62 -1-a. Employee Residency.

A. Purpose. The legislative body determines that individuals who are employees of the City of Albany have a greater interest, commitment and more involvement with the government which employs them by living within that municipality. Thus, the Common Council believes that the public need is sufficient to require that employees hired after the effective date of this section be residents of the City of Albany.

B. This section shall not supersede or override any other residency provision existing in state or federal law or existing in the Code of Ordinances of the City of Albany found to be contrary to the provisions herein. This section shall affect all city employees, including all provisional, permanent and temporary employees.

C. Residency for new employees. Except as otherwise provided by this section, the Common Council hereby establishes a residency requirement for all prospective employees of the City. Every person initially employed by the City of Albany, shall, as a qualification of employment, be or become a resident of the City of Albany within six months of the date of initial appointment for said City. Furthermore, during the time of service of such employees, no employee shall cease to be a resident of the City of Albany or fail to move into the City, and such shall be deemed a voluntary resignation.

D. Board of Residency. There is hereby created by this section a Board of Residency. This Board shall consist of five members and shall consist of the Mayor of the City of Albany or the Mayor's appointee, the Corporation Counsel of the City of Albany or a representative of the Corporation Counsel and three Council members. All members of this Board shall be City of Albany residents. The Board shall have the following powers and obligations:

(1) The Board shall, upon written request of the Mayor, make a determination granting an annual waiver of the residency requirement to any city employee and thereby exempt said employee from the provisions of this section. This determination shall be based upon one or more of the following criteria: (a) The degree of specialization and professionalism required in any given field of employment; (b) The existence of hardship such as may be determined by the Board; and (c) the lack of qualified candidates residing within the City.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

Council Member Doesschate asked for passage of LOCAL LAW D-2014 (A LOCAL LAW AMENDING THE CODE OF THE CITY OF ALBANY REGARDING THE POSITION OF DIRECTOR OF THE DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE), which had been previously introduced.

The local law passed by the following vote of all the Council Members elected voting in favor thereof:
Affirmative- Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Local Law D-2014 was co-sponsored by Council Members Conti and Krasher.

Council Member Fahey asked for passage of LOCAL LAW E-2014 (A LOCAL LAW AMENDING THE CODE OF THE CITY OF ALBANY REGARDING THE DEPARTMENT OF ADMINISTRATIVE SERVICES), which had been previously introduced.

Council Member Commisso made a motion to amend LOCAL E-2014, which was seconded.

A LOCAL LAW AMENDING THE CODE OF THE CITY OF ALBANY REGARDING THE DEPARTMENT OF ADMINISTRATIVE SERVICES

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Sections 42-105, 42-106 and 42-108 of Part 6 (Department of Administrative Services) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany are amended to read as follows:

Part 6. Department of Administrative Services and Finance
Article XIV. General Provisions

§ 42-105. Establishment.

There is hereby established a department known as the Department of Administrative Services and Finance.

§ 42-106. Commissioner.

There shall be appointed by the Mayor a Commissioner of Administrative Services and Finance who shall head the Department of Administrative Services and Finance and who shall serve and hold such office at the pleasure of the Mayor.

§ 42-108. Scope, powers and duties.

A. In addition to assisting City departments and staff in the establishment of positions and the recruitment and hiring of all City personnel, [T]the Department of Administrative Services and Finance shall have the following functions:

- (1) Equal employment opportunity: to oversee and administer the City's equal employment opportunity policies, requirements and standards as set forth and established in Chapter 48 of this Code.
- (2) Fair housing: to oversee and administer the City's Office of Fair Housing and its policies, purposes and duties as set forth and established in Chapter 187 of this Code.
- (3) ~~[Personnel]~~ Human Resources : to oversee and administer the personnel policies of the City workforce as set forth in the City Personnel Manual and as otherwise required by law.
- (4) Purchasing: to oversee and administer the City's purchasing and procurement policies as set forth in Part 18 of this chapter.
- (5) Payroll: to oversee and administer the disbursement of the City workforce payroll.
- (6) Budget: to oversee and administer the fiscal policies of the City and to be responsible for planning, implementing, managing and controlling all financial and budget-related activities of the City except for those areas reserved for the Treasurer or Chief City Auditor under the City Charter or pursuant to state or local law.

~~[B. — The Commissioner of the Department of Administrative Services is hereby named and designated as the Equal Employment Opportunity Officer and Fair Housing Officer of and for the City of Albany.]~~

Section 2. Sections 42-206, 42-207, 42-208 and 42-211 of Part 18 (Purchasing Division) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany are amended to read as follows:

§ 42-206. Establishment.

There is hereby created and established in and for the City of Albany a Purchasing Division within the Department of Administrative Services and ~~[Workforce Development]~~ Finance (Part 6 of this chapter) which shall consist of a Director of Purchasing ~~[Agent]~~ and such assistants as may be authorized by the Board of Estimate and Apportionment.

§ 42-207. Appointments.

The ~~[Purchasing Agent]~~ Director and the assistants or employees of the Division shall be appointed by and removable at the pleasure of the Commissioner of the Department of Administrative Services and ~~[Workforce Development]~~ Finance.

§ 42-208. Powers and duties of ~~[Purchasing Agent]~~ Director.

Under the direction of the Commissioner, the ~~[Purchasing Agent]~~ Director shall purchase and be responsible for the proper receipt of all materials and supplies purchased without the requirements of competitive bidding for all departments, boards, bureaus and offices of the City of Albany.

§ 42-211. Execution of bond for Purchasing Agent.

The ~~[Purchasing Agent]~~ Director shall, within 10 days after appointment, execute a bond to the City of Albany, to be approved by the Mayor, in the sum of \$5,000 for the faithful performance of the duties of his or her office and for a due accounting of all property that may come under his or her care, custody and control.

Section 3. Section 42-342 of Part 33 (Citizens' Police Review Board) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

§ 42-342. Filing of complaints.

Complaints concerning police conduct shall be filed with the Police Department or submitted to the CPRB for filing with the Police Department as provided in this section. The CPRB may designate one or more locations for the submission of complaints for filing with the Police Department.

- A. Complaints shall be lodged in writing using the City of Albany Police Department Citizen Complaint Form as approved by the CPRB for that purpose and shall be signed by the complainant. Complaint forms shall be printed in English and Spanish and shall be available at any City of Albany Police Department facility, the City Department of Administrative Services and Finance, the City Clerk's office and any other location designated by the CPRB.

Section 4. Section 42-365 of Part 36 (Commission on Human Rights) of Chapter 42 (Departments and Commissions) of the Code of the City of Albany is amended to read as follows:

§ 42-365. Meetings and staff.

The Commission shall meet no less than six times per year and shall establish a regular meeting calendar which is readily accessible to the public. Meetings of the Commission shall be public and comply with provisions of the Open Meetings Law. The Commissioner of the Department of Administrative Services and Finance, or his or her designee, shall serve as staff to the Commission.

Section 5. Section 54-4 of Chapter 54 of the Code of the City of Albany is amended to read as follows:

§ 54-4. Definitions.

EMPLOYEE

The Mayor, Comptroller, Treasurer, Common Council President and members, Corporation Counsel~~[-, Budget Director]~~ and all department heads and deputies.

Section 6. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.

**Note: Council Member Commisso, O'Brien, Conti, Golby and Fahey spoke on the amendment prior to passage.*

The amendment passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative- Bailey, Commisso, Flynn, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Negative – Applrys, Conti, Doesschate, Fahey, Golby, Herring and Igoe

Affirmative 8 Negative 7 Abstain 0

Local Law E-2014 (as amended) was co-sponsored by Council Member Robinson.

The remaining local laws on the pending agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES

Law, Buildings and Code Enforcement – Chairperson Igoe stated that the committee met on July 15, 2014 to discuss Ordinance Number 38.52.14, which was reported out of committee favorably four to one. He stated on Thursday, August 7, 2014 the committee would be meeting to discuss Ordinance Number 36.51.14 in relation to residential occupancy permits and Ordinance Number 39.62.14 in relation to registry fees and rehabilitation plans.

Public Safety – Chairperson stated that the committee met on July 29, 2014 to receive a mid-year budget update and to receive an overview on community policing from the Albany Police Department and to discuss Ordinance Number 32.42.14 in relation to mediation, which was passed out of committee favorably. The police department is projecting to be over budget by \$200,000 in unreimbursible overtime.

Planning, Economic Development and Land Use – Chairperson Herring stated that the committee would be meeting on August 6, 2014 to interview applicants to the Albany Industrial Development Agency/Capital Resource Corporation.

CONSIDERATION OF ORDINANCES

Council Member Fahey introduced ORDINANCE NUMBER 42.81.14, which was referred to the Parks, Recreation and Family Services Committee:

AN ORDINANCE AMENDING ARTICLE XLI (GENERAL PROVISIONS) OF PART 30 (PARKS AND RECREATION PLANNING COMMISSION) OF THE CODE OF THE CITY OF ALBANY

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Article XLI of Part 30 of the Code of the City of Albany is hereby repealed in its entirety and a new Article XLI is hereby enacted to read as follows:

ARTICLE XLI GENERAL PROVISIONS

§ 42-316. Legislative intent; purpose.

The Common Council recognizes and finds that the development of a long-term plan for the utilization of Albany's park and recreational facilities is a valuable tool for using limited tax dollars to their best advantage and for identifying and leveraging additional funds from other sources. The purpose of the Commission created hereby is to seek the involvement and input of the general public, as well as the many recreational service providers and interested organizations in and around the City of Albany.

§ 42-317. Establishment of Parks and Recreation Planning Commission.

The Common Council hereby establishes the Parks and Recreation Planning Commission. The Commission shall serve as an advisory body in developing a comprehensive five-year plan for the City's parks and recreation programs. The Commission will expire 12 months from the date of its creation or when the final report is completed and submitted to the Common Council and the Mayor.

§ 42-318. Membership; term; vacancies.

- A. The Parks and Recreation Planning Commission shall be composed of seven voting members: three appointed by the Mayor; and four appointed by the Common Council. The members shall be residents of the City of Albany who possess an interest in Albany's parks and/or recreation services and have a time commitment to serve. The members shall be broadly representative of the City's residents, including the population's characteristics and geographic distribution and shall serve without compensation. Organizations with an interest in City recreational planning, including neighborhood associations, school groups, social welfare agencies and senior citizen organizations shall be encouraged to submit nominees for appointment. Individuals also will be encouraged to submit names for consideration.
- B. The members shall be appointed for the duration of the Commission's existence. Vacancies shall be filled in the same manner as the original appointment.
- C. The Common Council will designate one of the voting members as Chairperson.
- D. There shall also be four ex officio members of the Commission who shall be the City Commissioner of Parks and Recreation or designee, the Commissioner of Planning and Neighborhood Development or designee, and two members of the Common Council to be appointed by the Common Council President. Ex officio members shall serve without vote and provide the citizen members with information and advice as to the City's and school district's present and anticipated capabilities, resources and priorities concerning parks management, programs and strategies.

§ 42-319. Powers and duties.

- A. The Commission shall provide an opportunity and forum for public involvement and perspective in developing short- and long-term recommendations for park improvements and recreational activities. The Commission shall have the authority to form committees and to hold public hearings.
- B. The short-term goals of the Commission shall include:
 - 1. Completing an inventory and evaluation of park and playground facilities and recreational services available to City residents, including those owned or funded by the City, school district, other governmental entities, not-for-profit and volunteer organizations;
 - 2. Reviewing and evaluating park maintenance and forestry standards and practices;

3. An analysis of the use of existing parks by residents and the parks and recreational programs within each ward;
 4. Reviewing and evaluating annual operating budget and capital improvement budget.
- C. A written report of the Commission's findings in these regards shall be submitted to the Mayor and Common Council within 60 days of the Commission's creation.
- D. Upon completing the evaluations, the Commission shall develop a comprehensive, long-term plan for the City parks and recreational services to be submitted to the Common Council for approval. The plan shall include:
1. Findings from the outreach efforts conducted by the Commission;
 2. Recommendations for maintenance and forestry standards;
 3. Establishing goals for use of park land in the City of Albany;
 4. Recommendations for establishing a permanent Parks and Recreation Citizens Advisory Commission;
 5. Suggestions for improvements to existing parks and programs and the cost associated with such improvements along with suggestions on reducing expenses;
 6. Any other item which may be referred to the Commission by the City Council or the Mayor or any park policy matter of concern to a Commission member or the community.

Section 2. This ordinance shall take effect immediately.

Council Member Applys asked for passage of ORDINANCE NUMBER 38.52.14 (AN ORDINANCE AMENDING CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY TO CREATE TOBACCO-FREE ZONES IN CITY PARKS), which had been previously introduced.

**Note: Council Member Applys, O'Brien, Kornegay, Golby, Krasher, Conti and President McLaughlin.*

The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:
Affirmative- Applys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and Robinson

Present – O'Brien

Affirmative 14 Negative 0 Abstain 1

Ordinance Number 38.52.14 was co-sponsored by Council Members Bailey, Flynn, Kimbrough, Kornegay, Krasher and Robinson.

Council Member Golby moved to amend and as amended, asked for passage and a roll call vote thereon:

AN ORDINANCE AMENDING PART 33 (CITIZENS' POLICE REVIEW BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MEDIATION

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 42-333 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-333. Definitions.

MEDIATION

A structured dispute resolution process in which a neutral third party assists the disputants ~~[to reach a negotiated settlement of their differences]~~ by facilitating a nonbinding intervention.

Section 2. Subsection F of Section 42-343 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-343. Review of complaints.

F. After review and deliberation of the preliminary report of the Department's findings, the CPRB shall:

- (1) Render its finding pursuant to § 42-344 of this Part 33; or
- (2) Request that Professional Standards conduct further investigation of the complaint; or
- (3) Obtain further case-specific information from the Chief, including written materials, audio- or videotapes and related documents~~[-or]~~
- (4) ~~Refer the complaint to mediation as provided in § 42-346 of this Part 33].~~

Section 3. Subsection A of Section 42-344 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-344. Findings of the CPRB.

A. The CPRB, after review and deliberation of an investigation, shall, by majority vote, make one of the following findings on the case:

- (1) Sustained - where the review discloses sufficient facts to prove the allegations made in the complaint.
- (2) Not Sustained - where the review fails to disclose sufficient facts to prove or disprove the allegation made in the complaint.
- (3) Exonerated - where the acts which provide the basis for the complaint occurred, but the review shows that such acts were proper.
- (4) Unfounded - where the review shows that the act or acts complained of did not occur or were misconstrued.
- (5) Ineffective Policy or Training - where the matter does not involve guilt or lack thereof, but rather ineffective departmental policy or training to address the situation.
- (6) No Finding - where, for example, the complainant failed to produce information to further the investigation; or where the investigation revealed that another agency was responsible and the complaint or complainant has been referred to that agency; or where the complainant withdrew the complaint; or where the complainant is unavailable to clarify the complaint; or where the officer is no longer employed by the City.
- (7) ~~[Mediated - where the complaint is resolved by mediation.]~~

Section 4. Section 42-346 of Chapter 42 of the Code of the City of Albany is amended to read as follows:

§ 42-346. Mediation process.

- A. A mediation process shall be established and coordinated by the Government Law Center in accordance with this section.
- B. Mediation shall be conducted at no cost to the complainant or officer by highly trained and experienced mediators selected from a list compiled by the Government Law Center and approved by the Common Council and the Mayor. The Government Law Center, the Common Council and the Mayor shall endeavor to reflect community diversity in this list of mediators. The Government Law Center shall develop an appropriate training curriculum which each mediator shall be required to complete. Each mediator shall be a graduate of the Albany Police Department's Citizens' Police Academy. In addition, the Government Law Center shall provide to the mediators, and the mediators shall undergo, continuing education on issues related to the interaction between civilians and police officers from the perspectives of both the citizen and the police officer.
- C. ~~[After a complaint is filed under § 42-342 of this Part 33, the complainant and the officer may at any time in the review process utilize the mediation process herein to resolve the complaint by submitting a written request for mediation to the CPRB. In addition, the mediation process may be utilized after the complaint is referred to mediation by the CPRB pursuant to § 42-343F(4) of this Part 33. In either case, mediation shall proceed as promptly as possible after a request for mediation or a referral to mediation is made. However, mediation may proceed only upon agreement of the officer with the approval of the Department and the agreement of the complainant.]~~ Upon receipt of a citizen complaint, unless the case involves an allegation of excessive force, an alleged violation of civil rights or an allegation of criminal conduct against an officer, or the complaint is a result of an incident that involves an arrest, or if there was an injury to either party, or if there was property damage by an officer, the complaint will be considered appropriate for mediation.
- D. An eligible complaint shall be reviewed for potential recommendation for mediation by the Board and by the Chief or his designee. Five members of the Board will be contacted by the Government Law Center and a decision made as to appropriateness for mediation by a majority of those five members. A decision regarding mediation shall be made within two business days by both the Board and Chief. If either the Board or Chief finds a complaint inappropriate for mediation then the matter shall be referred to OPS for investigation consistent with this Article.
- E. If the Board and Chief recommend a complaint for mediation, both the complainant and officer will have the option of electing to continue with the mediation process. If either party declines mediation then the matter shall be referred to OPS for investigation consistent with this Article.
- F. If the parties agree to mediate then the complaint will not be investigated by the Police Department regardless of the outcome of the mediation.
- G. If the parties agree to mediate, the process shall follow the Mediation Protocols adopted by the Board.
- H. Every reasonable effort shall be made to schedule mediation during an officer's normal working hours.
- I. Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties.
- J. In conducting the mediation, the mediators may not impose an outcome on the parties.

- K. Mediation sessions shall be closed to the public. Matters discussed shall be confidential [~~unless both parties agree otherwise as part of a written mediation settlement~~].
- L. Statements and records disclosed during mediation may not be disclosed or introduced in evidence during any judicial or administrative proceeding, and mediators may not be compelled by a subpoena to give testimony or produce anything related to the mediation.
- M. [~~The CPRB and Chief will be informed whether the mediation sessions result in a resolution of the dispute. If the mediation sessions do not result in a resolution of the dispute, the CPRB review process referenced in this Part 33 shall continue to conclusion. If the mediation sessions do result in a resolution of the dispute, the~~] Upon the completion of the mediation process the CPRB shall issue a finding of "Mediated" and the allegations shall be deleted from the officer's CPRB history.

Section 5. This ordinance shall take effect [~~immediately~~] upon the approval of mediators pursuant to § 42-346.

The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:
Affirmative- Applys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 15 Negative 0 Abstain 0

Ordinance Number 34.42.14 (As Amended) was co-sponsored by Council Members Fahey, Kimbrough, Krasher and O'Brien.

The remaining ordinances on the pending agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member O'Brien introduced RESOLUTION NUMBER 84.81.14R, asked for passage and a roll call vote thereon:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the City of Albany herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the People of the State of New York, herein called the State, and the Municipality be executed for such State Aid.

NOW, THEREFORE, BE IT RESOLVED, by the City of Albany Common Council:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Commissioner of the Department of General Services or his designee is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State;
3. That the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the Municipality or Municipalities set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

**Note: Council Member O'Brien spoke on this resolution prior to passage.*

The resolution passed by the following vote of all the Council Members elected in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 15 Negative 0 Abstain 0

Council Member Fahey introduced, RESOLUTION NUMBER 85.81.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF THE CHIEF MAINTENANCE REPAIR WORKER POSITION AND AN EQUIPMENT OPERATION I POSITION AND THE CREATION OF TWO RECREATION ASSISTANT POSITIONS IN THE DEPARTMENT OF RECREATION

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of Recreation require the skills and abilities of two Recreation Assistant positions rather than those of the Chief Maintenance Repair Worker position and an Equipment Operation I position.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of the position of Chief Maintenance Repair and one position of Equipment Operation I and the creation of two positions of Recreation Assistant within the Department of Recreation.

The resolution passed by the following vote of all the Council Members elected in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 15 Negative 0 Abstain 0

Council Member Golby introduced RESOLUTION NUMBER 86.81.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF AN ANTI-VIOLENCE COORDINATOR POSITION AND A SOCIAL WORK FIELD INSTRUCTOR POSITION IN THE ALBANY POLICE DEPARTMENT

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Albany Police Department require the skills and abilities of an Anti-Violence Coordinator and a Social Work Field Instructor position.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the creation of a position of Anti-Violence Coordinator and a position of Social Work Field Instructor within the Albany Police Department.

The resolution passed by the following vote of all the Council Members elected in favor thereof:

Affirmative – Appllys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 15 Negative 0 Abstain 0

Resolution Number 86.81.14R was Co-Sponsored by Council Members Conti, Fahey, Kimbrough, Kornegay, Krasher and Robinson.

Council Member Kornegay introduced RESOLUTION NUMBER 87.81.14R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL DECLARING SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer as the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Memorial Sloan-Kettering Cancer Center, Morgan Stanley Children's Hospital in NYC, Children's Hospital, Duker Children's Hospital at Albany Medical Center, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid Recognition Award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby declares September as Childhood Cancer Awareness Month and thanks the American Cancer Fund for Children and Kids Cancer Connection for their efforts to eradicate childhood cancers and to support the children and families living with cancer.

The resolution passed by the following vote of all the Council Members elected in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

Affirmative 15 Negative 0 Abstain 0

Resolution Number 87.81.14R was co-sponsored by Council Members Flynn, Bailey, Commisso, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Krasher, O'Brien and Robinson.

The remaining Resolutions on the pending agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority President Herring offered the following, which was approved by unanimous vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2014 AND WAIVE THE READING OF THE NAMES:

1. Marcelo Sanchez – 400 Central Avenue #19H Albany, NY 12206
2. Dennis Guiry – 6 Lodge Street Albany, NY 12207
Mailing Address: 16 Kenaware Ave Delmar, NY 12054
3. Kimberly M. McCoy 6 Lodge Street Albany 12207
Mailing Address: 38 Westford Street Albany, NY 12208
4. Michael J. Sbuttoni, Sr. 6 Lodge Street Albany, NY 12207
Mailing address: 23 Norther Blvd Watervliet, NY 12189
5. William H. Ward Jr. 6 Lodge Street, Albany NY 12207
Mailing Address: 3115 Lone Pine Road, Schnectady NY, 12303
6. James Richardson 628 Clinton Ave Albany, NY

ADJOURNMENT

Council President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of August 4th, 2014.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL